

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY
BROOKFIELD TOWN HALL – ROOM 133
Wednesday, October 27, 2021, 6:00 p.m.
MINUTES

Zoom Call-In Info: <https://us02web.zoom.us/j/84367459233?pwd=djBaditETIB4Z2NiQ2I2aXdGTHZpZz09>

Meeting ID: 843 6745 9233

Passcode: 102721

1. Convene Meeting

WPCA:

N. Malwitz
M. DelValle
L. Donovan
M. Brown
G. Giacobone
L. Trojanowski-Marconi

Others:

R. Prinz, Chief of Maintenance
K. McPadden, Executive Administrator
M. Ongaro, Collector
T. Strid, Inspector
J. Sienkiewicz, Attorney
M. Allred, Accountant
J. Kelly, Langan Engineer
A. Kennedy, Recording Secretary

PUBLIC HEARING on Proposed Amendments to Sections 1.2 and 2.0 of the Brookfield Sewer Use Rules & Regulations, and on the Proposed Adoption of an Amended Water Pollution Control Plan

Chairman N. Malwitz gave an overview of the Proposed Amendments to Sections 1.2 and 2.0 of the Brookfield Sewer Use Rules & Regulations, and on the Proposed Adoption of an Amended Water Pollution Control Plan, including a brief history of the WPCA. He discussed the current agreement with Danbury and some of the options going forward. Chairman N. Malwitz introduced Attorney J. Sienkiewicz to moderate the public hearing and noted the purpose of the hearing is to receive comments, not for a dialogue.

Attorney J. Sienkiewicz summarized the legal notice published regarding this hearing and explained the regulations pertaining to these proposed amendments. He said that the Danbury Plant will be restrict Brookfield's discharges to 380,000 gallons a day in the immediate future from the current 500,000 gallons per day. He explained they have been discharging between 315,000 to 345,000 gallons per day and there are currently approved connection permits on the books for over 115,000 gallons, which puts them significantly over the limited 380,000 gallons per day.

Hal Kurfels, 42 Obtuse Road North, was present. He discussed current approved developments and asked what happens with these developments if this happens.

Greg Dembowski, Economic Development Director, 28 Greenknoll Dr., was present. He discussed the development services meetings at Town Hall. He discussed the revitalization plan, the Streetscape Project, and said he will need help answering developers' questions when questions start coming in about this issue. He asked about the availability of analysis of options to move forward, in order to decide which path to take.

Greg Steiner, Berkshire Corp. Park, 2 Park Lawn Drive was present. He discussed his family's history of involvement in the Town. He said this situation will completely shut down any business coming in. He said they need to talk to the elected leaders and buy more capacity. J. Sienkiewicz and M. Brown commented.

Paul Scalzo, was present. He said they should hit it head on right now to avoid slowing down the process, and if the WPCA has to assess the property owners, so be it.

Gary Michael, 52 Deer Hill Avenue, Danbury, was present. He asked if they have received written correspondence from Danbury regarding the reduction to 380,000. Attorney J. Sienkiewicz said the WPCA was told the capacity will be cut down to 380,000. He suggested getting something in writing from Danbury. He said he would like to see them interact with the politicians from the surrounding towns.

Steve Sullivan, CCA, LLC, was present. He asked about a projected timeline for the moratorium and asked about properties that currently have approvals.

Roy Young, Bridgewater, was present. He discussed his properties in Brookfield and his investments in the properties. He said he is confused about how Danbury can reduce Brookfield's contracted amount of 500,000 gallons per day to 380,000 gallons per day. Attorney J. Sienkiewicz said that is an unresolved issue.

J. Fisher, 12 Aramon Circle, Chairman EDC was present. He thanked developers for their work in the Town. He said this is a disaster and has to be corrected. He said there is a small window of opportunity to get these developments built, and if this moratorium passes, none of these projects will happen.

Attorney J. Sienkiewicz said the proposal is not to revoke any permits that have already been approved. He said there is some data that those permits will not generate the full amount that is permitted. He said some may lapse if no action is taken in a few years.

Shannon Young, 221 Christian Street, Bridgewater was present. He asked about the history of the agreement for the allocations. He asked about the negotiations that happened with Danbury back in 2016, and how they came to the numbers they have now. He asked if they should lean on the Selectmen to meet with the Mayor of Danbury. He said the feedback that he is getting from Danbury is that the current Mayor of Danbury does not want to touch this issue at this point. Chairman N. Malwitz said he and First Selectman Dunn have been trying to set up a meeting and Danbury has been unresponsive. Attorney J. Sienkiewicz said he spoke with the Assistant Corporation Counsel, and it was not productive. S. Young asked if after the upgrade to the plant, will they be able to get 500-700,000 gallons per day, and Chairman N. Malwitz and Attorney J. Sienkiewicz said they hope so.

Gary Hawley, 30 Germantown Road, Danbury, was present. He said he can't tell a prospective tenant that "maybe" they will have sewer, or they will go somewhere else. The fact that this meeting is even being held is a red flag to any business considering Brookfield.

Gary Michael, 52 Deer Hill, Danbury, said Bethel is currently only using 1.2 million, out of their 2 million gallons. He said he would urge Brookfield's Selectmen to discuss something with First Selectman Knickerbocker to get a portion of that capacity. He also asked a question about the amendment, which Attorney J. Sienkiewicz explained.

Roy Young asked if his property of 40 acres would be restricted to 2,000 gallons per day. Attorney J. Sienkiewicz said yes. R. Young said prior permit was for 16,000 gallons per day and said they need to reconsider that allocation. He said perhaps a group of developers should go directly to the First Selectman to discuss this issue immediately.

P. Scalzo said he hopes the Board abstains from voting and said he would rather default on the agreement to Danbury.

L. Donovan made a motion to close the public hearing on Proposed Amendments to Sections 1.2 and 2.0 of the Brookfield Sewer Use Rules & Regulations, and on the Proposed Adoption of an Amended Water Pollution Control Plan. M. DelValle seconded the motion and it carried unanimously.

Attorney J. Sienkiewicz noted that the issue of the resolution is coming up in later in the meeting. Chairman Malwitz opined that it was likely any action would be tabled until after the election. The meeting took a recess after the public hearing hour.

2. **Approval of Minutes** – 9/29/21 - **L. Donovan made a motion to approve the minutes from 9/29/21. M. Delvalle seconded the motion and it carried unanimously.**
3. **Accountant Report**
 - a. Monthly Financials - M. Allred discussed the monthly financial report.
 - b. Status of Audit for FYE June 30, 2021 - M. Allred discussed the status of the Audit.
 - c. Automating Payment Process between IC and QDS - M. Allred discussed the automatic payment process.
4. **New Business**
 - a. To act upon Proposed Regulation Changes & Amended Water Pollution Control Plan - Chairman N. Malwitz suggested they take the comments they collected tonight to the First Selectman after the election on November 2nd. **L. Donovan made a motion to table item 4a - Proposed Regulation Changes & Amended Water Pollution Control Plan, until the next monthly meeting. M. Brown seconded the motion and it carried unanimously.**
 - b. 2 Production Drive – Application to Connect - *S. Sullivan, CCA, LLC was present.* S. Sullivan said this property was on the agenda a few months ago for approval to make the connection into the property and it was understood that they would have to come back once they got the final building plans completed. He said this is an industrial warehouse building, with a projected sewage flow of 1,800 gallons per day. He said the building would be divided into seven spaces and reviewed the plans submitted. **Chairman N. Malwitz made a motion to accept the Application to Connect for 2 Production Drive and refer it to the engineers for review. M. Delvalle seconded the motion and it carried unanimously.**
 - c. 36 Vale Road – Application to Connect - *Ken Burns and Heather Johnson were present.* K. Burns said he is applying to tie his existing building into the sewer. H. Johnson said the tap is there and he has already been assessed. K. Burns said the building is 8,000 square feet. H. Johnson said there is an existing septic, but the lines freeze every year, causing a hardship. **M. Brown made a motion to accept the Application to Connect for 36 Vale Road, subject to the engineering review and receipt of engineering and inspection fees totaling \$1,050, noting if the engineer has no changes, and reports that to the office staff, the permit can be issued administratively and prior to the November 17th meeting. M. Delvalle seconded the motion and it carried unanimously.**
 - d. 5 Obtuse Hill – Application for Grease Trap Waiver - T. Strid said he received a call from J. Metcalf that they would be putting in a three bay sink at the former St. Joseph's School (now Danbury Primary School) and they would like a waiver for an under-sink unit. He said when he arrived there, they had already installed an under-sink grease trap. T. Strid said there are no fryers in the school and only prepare oven-ready food. He said on the applicant's behalf, he thinks this unit would be sufficient. **L. Donovan made a motion to approve 5 Obtuse Hill – Application for Grease Trap Waiver. M. DelValle seconded the motion and it carried unanimously.**
 - e. 19 & 23 Station Road – Application to Connect - *S. Sullivan, CCA, LLC was present. A. Rothman was present via ZOOM.* K. McPadden said earlier this year, the Applicant had requested a Will-Serve letter, which was sent. K. McPadden read the letter aloud for the record. S. Sullivan explained the plans for this phase of the project. He noted they also submitted an application for a proposed pool on the property, for projected backwash. The Authority discussed the calculations for sewage flow submitted on the application, and how the regulations pertain to this application in light of the proposed amendments. **Chairman N. Malwitz made a motion to accept the applications for Agenda Items 4e and 4f, Applications to Connect 19 & 23 Station Road and the Swimming Pool at 19 & 23 Station Road, subject to receipt of the engineering and inspections fees, totaling \$3,500. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**
 - f. 19 & 23 Station Road – Application to Connect Swimming Pool - *See motion above.*
 - g. 138 Federal Road – Dairy Queen Application to Connect - *Ryan Dell, Tim Bomba and Charlie Van Zanten were present.* R. Dell said they needed to make a change to the application, changing the discharge amount from 3,000 gallons per day to 1,133 gallons per day, which is based on

information they received from Dairy Queen Corporate. **L. Donovan made a motion to accept the Application to Connect for 138 Federal Road – Dairy Queen, subject to receipt of \$1,000 for engineering fees, and \$1,200 for inspection fees, and to authorize the staff to give the Applicant a conditional sign off on the foundation permit application. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**

- h. 101-103-105 Laurel Hill Road – Alternate Sewer Route Application to Connect - *S. Sullivan, CCA, LLC was present. Chris Kinder, 48 Springwater Lane, New Canaan, was present. D. Stewart was present on ZOOM.* C. Kinder explained the details and history of the project. He said the new application is for 4 residential buildings and a clubhouse. He described the proposed design, including a proposed alternative route for the sewer connection. The new proposal is for a force main to pump across an easement on 840 Federal Road (Bowling Alley). He said they have an agreement with the owner of the Bowling Alley. He said with this new design, the total of the new pipe would be about 300 feet, as opposed to the original design, which was for 2,000 linear feet of pipe. He said they are requesting that the sewer structure remain private with the Applicant and the Bowling Alley. He said the Applicant will maintain 100% of the costs of the repairs and on-going maintenance of that shared line. S. Sullivan said since their last application they have changed the unit mix in the development, which reduced the projected sewage flow to 15,300 gallons per day. S. Sullivan said at this point they are applying to change the sewer connection route that they currently have approved with this new route. Attorney J. Sienkiewicz said this would be a whole new application, requiring a new permanent maintenance agreement. **Chairman N. Malwitz made a motion to accept the Alternate Sewer Route Application to Connect for 101-103-105 Laurel Hill Road, contingent on receipt of a \$5,000 deposit and the expectation that by the next meeting the Applicant will submit a video inspection of the sewer line. M. Brown seconded the motion and it carried unanimously.**
- i. 2022 WPCA Meeting Calendar Proposal - The Commission discussed the proposed calendar and decided to adjust it to be the 4th Wednesday of the month every month, except September and November will be the 3rd Wednesday, and December will be the 2nd Wednesday of the month. **M. Brown made a motion to approve the 2022 WPCA Meeting Calendar Proposal with the adjustment noted above. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**

5. Old Business

- a. Will Serve Letter Request from 500A & 518 Federal Road (Tabled from 9/29/21) Attorney J. Sienkiewicz asked if 500A is an assessed property. K. McPadden said this property recently had a lot line revision and it was assessed. - **L. Donovan made a motion to table the Will Serve Letter Request from 500A & 518 Federal Road to the next regularly scheduled meeting. M. Delvalle seconded the motion and it carried unanimously.**

6. Engineer Comments/Project Update

- a. Route 133 Station Improvements Project - J. Kelley said they do not have any additional information on the delivery of the generator from T. D. & Sons.
- b. Brookfield Market Area - Chairman N. Malwitz said he just submitted today a request for ARPA funds for approximately \$800,000. He said they will be sending the request to the ARPA Committee who will rank them in terms priority. Attorney J. Sienkiewicz discussed scheduling a public hearing.
- c. Dean Road/Candlewood Lake Area Project - Chairman N. Malwitz said Attorney J. Sienkiewicz has encouraged him to make a request for ARPA funds for this project as well.
- d. Other Engineering Matters - None

7. Employee Activity Reports (Roger, Tim, John, Marv, Kristi)

Roger: R. Prinz said they are still working on 133, and said the generator is back ordered. He said the capital maintenance FY22 water hook up was done at the railroad pump station. He said they took delivery of the UTV and it's in operation for snow plowing. He said the Caldor well abandonment was done, and the water was hooked up and the bill was submitted. He said the gas line for

Candlewood Lake Road was switched to the other side of the road. He said they have no problem with it, other than telling them it needs to be six feet away from their line. He said miscellaneous 4th quarter inspections are in progress. He said 730 Federal Road started laying pipe today. He said they did some in flow investigation on the north pump station drainage basin and took pictures. He said they will review the pictures and write a report. He said the Newbury Inn seemed to have a lot of water coming out of the building. He said he was told by Andy Sincali that they will need to replace all 25 units for the monitoring system, as they will soon be obsolete.

Tim: T. Strid said the private pump station inspections are almost done. He said 31 and 37 are completed and he will have the reports for Mary for the December bills shortly. He said they got the blessing from the Town and Aquarion to put a well in at 777 Federal Road, they don't have to tie in which should save them about \$5,000. He said the electrical quote updates for the facilities plan, they prioritized all the in-house items, and they are underway. He said all the "call before you digs" are up to date. He said all the surveys are up to date for new businesses. He discussed the on-going inspections. He said he and R. Prinz have been on manhole inspection duty and have found some pretty interesting things out there. He said he has been working with Joe on the GIS to come up with an urgency scale every time they inspect a manhole.

John: J. Siclari said Brookfield has lifted the mask mandate in public spaces with the exception of non-vaccinated residents. He said there is no change on the FEMA claims. He said for UKG they will start parallel time punching starting November 21st, through December 18th, and will go live December 19th. He said Mary's billing process manual is complete. He said there is no change with QDS and Invoice Cloud. He said Future Subnets still owes him their proposal for the cyber security plan.

Mary: M. Ongaro said she has continued to process payments as they come in, whether they come in online or as walk ins, and TSI has started to show some response already. She said she is continuing to release assessments as they pay off because some are still paying off late. She said she has been working with Joe Rosol and Tim for the inspection fee bills for the upcoming billing. She said she is still working with QDS to resolve lingering issues. She said she has to review the manual.

Kristi: K. McPadden said she has been working with Paychex to make sure the import is mapped correctly from UKG. She said she invoiced the property owners of BJ's for the cost to connect to water. She said there are five Permanent Maintenance accounts that have not turned in their actuarial adequacy reports. She is working on record retention and the audit. She said she and John are continually working on the capacity analysis spreadsheet. She said the Town bonded the Three Condo clean water fund loan, which saved the WPCA about \$75,000. She said she mailed out about 18 easement clearing notification letters as requested by field staff.

8. Legal Matters

- a. Collections - Attorney J. Sienkiewicz said M. Ongaro sent him one, and he is asking for more.
- b. Insurance Requirement Update - Attorney J. Sienkiewicz said he is planning to revise the contract requirements.
- c. American Rescue Plan Grant Request to TOB - *Previously discussed.*
- d. Other Legal Matters - No discussion.

9. Other WPCA Matters - Chairman N. Malwitz discussed the situation with BJ's. He said he worked on some bill inserts for M. Ongaro. He discussed reports from the auditors that the information from QDS looks a little sloppy. He discussed the December meeting and possible holiday party.

10. Vouchers - M. Brown made a motion to approve the vouchers as submitted. M. DelValle seconded the motion and it carried unanimously.

11. Adjournment - L. Trojanowski-Marconi made a motion to adjourn at 9:20 p.m. L. Donovan seconded the motion and it carried unanimously.